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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,350	07/08/2003	Masaaki Goto	1046	7857
27649	7590	07/06/2005	EXAMINER	
MICHAEL TOBIAS			TRAN, DUE NGOC	
#40				
1717 K ST. NW, SUITE 613			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2841	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,350

Applicant(s)

GOTO ET AL.

Examiner

Due N. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 11-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 1-6 in the reply filed on 6/22/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-9 remain withdrawn from consideration and claims 1-6, 11,12 are now examined.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 4, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US 6,867,982) in view of Choon (US 5,608,188).
3. With respect to claim 1, Ito discloses a cap-shaped lid for use with a generally flat base to seal an electronic device comprising a top portion (See examiner's figure), a wall structure extending around an entire periphery of the top portion and having an upper end connected to the top portion and a lower end (See examiner's figure), a lip connected to the lower end of the wall structure around an entire periphery of the wall structure and extending outwards from an outer surface of the wall structure (See examiner's figure on the next page), and solder applied to an inner surface of the lid on at least a portion of the lip (Page 7, col. 4, lines 22-23). However, Ito does not disclose expressly wherein the lip extends outward from the outer surface of the wall structure by 10-500  $\mu\text{m}$ .

The Choon reference, however, discloses the lip extending outwards from the outer surface of the wall structure by 10-500  $\mu\text{m}$  (Page 5, col.3, lines 59-61).

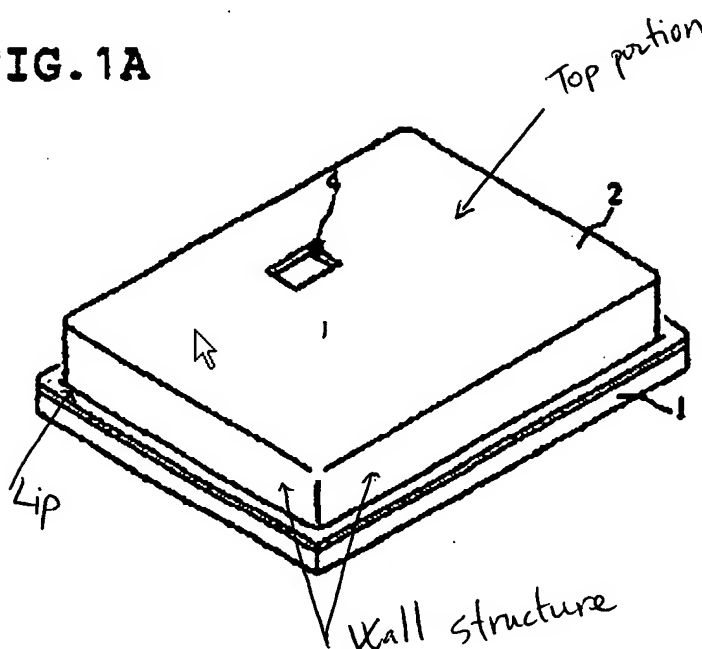
Ito and Choon are analogous art because they are from the same field of endeavor. (Enclosure).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Ito to have the lip extending outwards by 10-500  $\mu\text{m}$  from the outer surface of the wall structure.

The suggestion or motivation for doing so would have been obvious in view of the teaching of Choon in minimizing the size of the components as well as minimizing the space between components.

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Therefore, it would have been obvious to combine Choon with Ito to form a lid with a lip extending outwards by 10-500  $\mu\text{m}$  from the outer surface of the wall structure to obtain the invention as claim 1.

**FIG. 1A**

4. With respect to claim 2, Ito discloses the lid wherein the lip is curved with respect to the wall structure (Fig. 1A).
5. With respect to claim 3, Ito discloses the lid wherein the top surface of the lid is polygonal (Fig. 1A shows a 4 sided lid).
6. With respect to claim 4, Ito discloses a lid wherein the wall structure extends substantially perpendicularly with respect to the top surface (Fig. 1B).
7. With respect to claim 5, Ito discloses a lid wherein solder is provided on the entire inner surface of the lid (Page 7, col.4, lines 22-23, and 33-36).
8. With respect to claim 6, Ito discloses a packaged electronic part comprising a generally flat base (Fig. 1B, element 1), an electronic device mounted on a top surface of the base (Fig. 1B, element 3), and a lid covering the electronic device and soldered to the top surface of the base (Fig.1B).
9. With respect to claim 11, Ito discloses a lid wherein the wall structure, the top portion, and the lip are formed from a single metal sheet (Page 7, col. 4, lines 25-28).
10. With respect to claim 12, Ito discloses a lid wherein the solder comprises a layer of solder formed on the inner surface of the wall structure (Page 7, col.4, lines 22-23, and 33-36).

***Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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11. The Chan (US 5,838,551) reference teaches the lid is formed from a single metal sheet.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Due N. Tran whose telephone number is (571) 272-5984. The examiner can normally be reached on Monday-Thursday, 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DT

  
**KAMAND CUNEO**  
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